



PATENT
Attorney Docket 44921-5054-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Patricia D. Murphy**)
)
Application No. **09/923,327**) Art Unit: **1634**
)
Filed: **August 8, 2001**) Examiner: **Stephanie Zitomer**
)
For: **Determining Common Functional Alleles**)
In A Population And Uses Therefore)

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. 1.97(c)

Pursuant to 37 C.F.R. 1.56 and 1.97(c), Applicant brings to the attention of the Examiner the documents listed on the attached PTO-1449 forms. This Information Disclosure Statement is being filed, to the best of the undersigned's knowledge before the mailing date of a Final Office Action or a Notice of Allowance in the above-referenced application. Under the provisions of 37 C.F.R. 1.97(c), a fee of \$180.00 as specified by 1.17(d) is required for the filing of this Information Disclosure Statement. The Commissioner is hereby authorized to charge \$180.00 to Deposit Account No. 50-0310 for payment of the Information Disclosure Statement fee as set forth on the accompanying transmittal form.

The present application is a continuation application of U.S. Application 09/524,794 (filed March 14, 2000), which is a divisional application of U.S. Application 09/129,134 (filed August 4, 1998), which is a continuation-in-part application of U.S. Application 08/905,772 (filed August 4, 1997), which is a continuation-in-part application of U.S. Application 08/798,691 (filed February 12, 1997 now U.S. Patent 5,750,400), which is a continuation-in-part application of U.S. Application 08/598,591 (filed February 12, 1996 now U.S. Patent 5,654,155), which is a continuation-in-part application of U.S. Application 09/084,471 (filed May 22, 1998). Information Disclosure Statements for U.S. Applications 09/524,794 and 09/129,134 were previously filed. Copies of the PTO-1449 forms filed are attached. The Examiner's attention is respectfully directed to the art of record in these prior applications and thus, no references are being submitted.

Applicant respectfully requests that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached form. This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the above-listed documents are material or constitute prior art. If the Examiner applies the documents as prior art against any claim in the application and Applicant determines that the cited document does not constitute prior art under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such document.

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Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the application and the references therein, should one or more of the documents be applied against the claims of the present application.

Except for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **September 17, 2003**

Morgan, Lewis & Bockius LLP

Customer No. **09629**

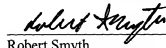
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202-739-3000

Respectfully submitted

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LIST OF REFERENCES CITED BY APPLICANT
(Use several sheets if necessary)

PTO FORM 1449

ATTORNEY DOCKET NO.

44921-5054-02

APPLICATION SERIAL NO.

09/923,327

APPLICANT

Patricia D. MURPHY

FILING DATE

August 8, 2001

GROUP ART UNIT

1634

REFERENCES CITED BY EXAMINER

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	4,458,066	7/3/1984	Caruthers <i>et al.</i>	536	27	
	5,498,324	3/12/1996	Yeung <i>et al.</i>	204	452	
	5,561,058	10/1/1996	Gelfand <i>et al.</i>	435	912	
	5,593,840	1/14/1997	Bhatnagar <i>et al.</i>	435	6	
	5,642,936	7/1/1997	Evans	128	630	
	5,654,155	8/5/1997	Murphy <i>et al.</i>	435	6	
	5,578,443	11/26/96	Santamaria, <i>et al.</i>	435	6	
	5,763,183	6/9/98	Pesonen, <i>et al.</i>	435	6	
	5,686,246	11/11/97	Kornman, <i>et al.</i>	435	6	

REFERENCES CITED BY APPLICANT

DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
					YES NO
EP 0 705 902 A1	Apr. 10, 1996	Europe			
EP 0 705 903 A1	Apr. 10, 1996	Europe			
EP 0 699 754 A1	Mar. 6, 1996	Europe			
WO 95/19369	July 20, 1995	PCT			

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	Beutler <i>et al.</i> , "Molecular Heterogeneity of Glucose-6-Phosphate Dehydrogenase A," <i>Blood</i> 74 (7):2550-2555 (1989)
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	Couch <i>et al.</i> , "Mutations and Polymorphisms in the Familial Early-Onset Breast Cancer (BRCA1) Gene," <i>Human Mutation</i> 8 :8-18 (1996)
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EXAMINER	DATE CONSIDERED
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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OTHER REFERENCES (Include author's full name, journal, volume, page)

	Durocher <i>et al.</i> , "Comparison of <i>BRCA1</i> polymorphisms, rare sequence variants and/or missense mutations in unaffected and breast/ovarian cancer populations," <i>Human Molecular Genetics</i> 5 (6):835-842 (1996)
	Easton <i>et al.</i> , "Genetic Linkage Analysis in Familial Breast and Ovarian Cancer: Results from 214 Families," <i>American Journal of Human Genetics</i> 52 :678-701 (1993)
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	Maniatis <i>et al.</i> , <u>Molecular Cloning: A Laboratory Manual</u> , Cold Spring Harbor Laboratory, NY, pp. 280-281 (1982)
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OTHER REFERENCES (including prior art, data pertinent to the invention)

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SUPPLEMENTAL FORM PTO-1449

ATTORNEY DOCKET NO.

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APPLICATION SERIAL NO.

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INVENTORS

Patricia D. MURPHY

FILING DATE

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GROUP ART UNIT

1634

EXAMINER NAME

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	CITE NO.	U.S. PATENT DOCUMENT NUMBER	DATE OF PUBLICATION MM-DD-YYYY	NAME OF PATENTEE OR APPLICANT	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

FOREIGN PATENT DOCUMENTS

EXAMINER INITIALS*	CITE NO.	FOREIGN PATENT DOCUMENT NUMBER	DATE OF PUBLICATION MM-DD-YYYY	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
		WO 98/05677	02-12-1998	PCT				
		WO 98/44157	10-08-1998	PCT				

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

EXAMINER INITIALS*	CITE NO.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
		Mattila, P. <i>et al.</i> , "Extensive Allelic Sequence Variation in the J Region of the Human Immunoglobulin Heavy Chain Gene Locus", <i>Eur. J. Immunol.</i> - 25:2578-2582 (1995)
		Morrison, N., <i>et al.</i> , "Frequent Alleles of the Human Vitamin D Receptor Gene Are Functionally Distinct", <i>Garvan Institute of Medical Research</i> - 20 (02/21/1992)
		Moudallal, J., <i>et al.</i> , "Monoclonal Antibodies as Probes of the Antigenic Structure of Tobacco Mosaic Virus", <i>The EMBO Journal</i> - 1(8):1005-1010 (1982)
		Hacia, J., <i>et al.</i> , "Detection of Heterozygous Mutations in BRCA1 Using High Density Oligonucleotide Arrays and Two-Colour Fluorescence Analysis", <i>Nature Genetics</i> 14:441-447 (12/1996)
		Merajver, S., <i>et al.</i> , "Risk Assessment and Presymptomatic Molecular Diagnosis in Hereditary Breast Cancer", <i>DNA Technology</i> - 16(1):139-167 (03/1996)
		Madsen, H., <i>et al.</i> , "A New Frequent Allele is the Missing Link in the Structural Polymorphism of the Human Mannan-Binding Protein", <i>Immunogenetics</i> - 40:37-44 (1994)
		Wainscoat, J., <i>et al.</i> , "Evolutionary Relationships of Human Populations From an Analysis of Nuclear DNA Polymorphisms", <i>Nature</i> - 319:491-493 (02/06/1986)

EXAMINER SIGNATURE

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